

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

JAMES D. YATES and)	
HANNAH YATES,)	
)	
Plaintiffs,)	Case No.
)	
vs.)	JURY TRIAL DEMANDED
)	
STATE FARM FIRE & CASUALTY CO.)	
and LANETTE EPSTEIN,)	
)	
Defendants.)	

NOTICE OF REMOVAL TO DISTRICT COURT

Comes now Defendant State Farm Fire & Casualty Company, by and through its attorneys, and requests the removal of the above captioned action from the Circuit Court of Reynolds County, State of Missouri, to the United States District Court for the Eastern District of Missouri, pursuant to the provisions of U.S.C. Sections 1332 and 1441(a). In support of its request, Defendant states as follows:

1. Plaintiff commenced this action in the Circuit Court of Reynolds County, State of Missouri, on or about August 10, 2018 under the caption James D. Yates and Hannah Yates v. State Farm Fire & Casualty Company, Cause No. 18RE-CC00014.

2. Defendant State Farm Fire & Casualty Company hereby requests the removal of said action to the United States District Court for the Eastern District of Missouri, based upon the existence of diversity of citizenship between Plaintiff and this Defendant pursuant to the diversity jurisdiction of this court and 28 U.S.C. Section 1332(a)(1).\

3. The United States District Court for the Eastern District of Missouri, is the Federal District Court embracing Reynolds County, State of Missouri, where this action is currently pending.

4. This is a civil action over which this court has original jurisdiction pursuant to 28 U.S.C. Section 1332(a)(1), and is one which may be removed to this court pursuant to the provisions of 28 U.S.C. Section 1441(a), in that:

a. Plaintiffs were citizens and residents of the State of Missouri at the time of the occurrence described in Plaintiffs' Petition, and continue to be and remain residents of the State of Missouri up to and including the present times.

b. Defendant State Farm Fire & Casualty Company was, at the time of the commencement of this action, and still is, a corporation duly incorporated under the laws of the State of Illinois, and having its principal place of business in Bloomington, Illinois, and not in Missouri.

c. Plaintiffs' Petition seeks recovery of an amount in excess of \$75,000, and therefore there is a reasonable probability that the matter in controversy herein exceeds the sum of \$75,000 exclusive of interest and costs.

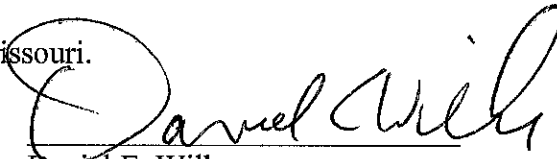
d. Plaintiffs' cause of action against Lanette Epstein has been joined to the First Amended Petition fraudulently in order to defeat diversity of citizenship jurisdiction in that Plaintiffs do not have even a colorable claim against Lanette Epstein and her citizenship in the State of Missouri should be ignored for purposes of diversity of citizenship jurisdiction in this Court.

5. This Petition is filed pursuant to the provisions of 28 U.S.C. Sections 1441(a) and 1446 within 30 days after the receipt by State Farm Fire & Casualty Company of the initial

pleadings setting forth the claim for relief upon which this action is based. Lanette Epstein was added to this lawsuit as a party Defendant September 14, 2018 and has not yet been served with process.

6. There are attached to this notice and incorporated hereby by reference, true and accurate copies of all process, pleadings and orders to date in this action.

WHEREFORE, Defendant State Farm Fire & Casualty Company requests that this case be removed from the Circuit Court of Reynolds County, State of Missouri to the United States District Court for the Eastern District of Missouri.


Daniel E. Wilke

STATE OF MISSOURI)
)ss
CITY OF ST. LOUIS)

Daniel E. Wilke, first being duly sworn upon his oath, states that he is the agent and attorney for Defendant, that he has read the foregoing Removal Petition and knows the contents thereof, and that the statements herein contained are true to the best of his knowledge, information and belief.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal this 20 day of September, 2018.


NOTARY PUBLIC

My Commission Expires:



/s/ Daniel E. Wilke
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James A. Wilke #51242MO
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I hereby certify that on September 20, 2018 the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

Roy E. Williams, Jr.
Attorney at Law
P.O. Box 617
West Plains, MO 65775
ATTORNEY FOR PLAINTIFFS

/s/ Daniel E. Wilke

JAW:lb